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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,833	04/13/2006	Franz Amtmann	AT030058US1	5661
65913	7590	12/01/2009		
NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER BUGG, GEORGE A	
			ART UNIT 2612	PAPER NUMBER
			NOTIFICATION DATE 12/01/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,833	<b>Applicant(s)</b> AMTMANN ET AL.	
	<b>Examiner</b> GEORGE A. BUGG	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                     |                                                                   |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                         | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because they fail to include descriptive text and/or labels identifying the parts of the circuit/communication system.

Furthermore, since claim 7 is a method claim there should be a flow chart or block diagram depicting the communication process of the system. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claims 1, 3, 4, 7, 8, 10, 12, and 13 are objected to because of the following informalities: In claim 1, lines 1, 5, and 8, for purposes of clarity, it is suggested that the word "which" be replaced by the phrase "wherein the". In lines 9-12 (specifically the verbage between the commas) do not read well. It is suggested that the phrase "of which two different information units the" be replaced by the word "wherein".
3. In claim 3, line 2, the word "comprise" should be changed to "comprises", and the word "which" should be changed to "wherein the".
4. In claim 4, line 3, the word "which" should be changed to "wherein the".
5. In claim 7, lines 7 and 12, the word "which" should be changed to "wherein the". In lines 8-9, it is suggested that the phrase "of which two different information units the" be replaced by the word "wherein". In addition, the word "united" in the 2nd to last line of claim 7, should be changed to "unit".
6. In claim 8, line 1, "A method a" should read "A method as", and the word "is" should be inserted between the words "interface" and "demodulated", in line 2 of the claim.
7. In claim 10, line 2, the word "which" should be changed to "wherein the".
8. In claim 12, line 2, "via which" should be changed to "wherein the", and in line 3 the word "form" should be "from". All other places in the claim where the word which appears should be changed as suggested above, with regard to objections of claims 1 and 7, particularly the verbage in lines 8+.

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9. In claim 13, line 3, change "which" to "wherein the". Appropriate correction of all of the above is required.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1, 4-7, 10, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Claim 1 recites the limitation "the one information unit" in lines 9-10, "the memory stage", in line 10, and "the circuit" in line 14. There is insufficient antecedent basis for these limitations in the claim. With regard to "the circuit" in line 14, since the claim establishes two circuits it which circuit is being claimed here.

13. Claim 4 recites the limitation "the memorized information unit" in the 2<sup>nd</sup> to last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 7 recites the limitation "the one information unit" and "the other information unit", in lines 9-10, there is insufficient antecedent basis for these limitations in the claim.

15. Claim 10 recites the limitation "the memorized information unit" in the 2<sup>nd</sup> to last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

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16. Claim 12 recites the limitation "the information units", in lines 5-6 of the claim. There is insufficient antecedent basis for this limitation in the claim.

17. The term "is capable of" in claim 1 is a relative term which renders the claim indefinite. The term "is capable of" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Such a term does not convey that applicant's invention does in fact perform in this manner. In addition, it unclear whether or not that which follows the claim is positively recited or merely optional.

18. The term "can be" in claim 5 is a relative term which renders the claim indefinite. The term "can be" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Such a term does not convey that applicant's invention does in fact perform in this manner. In addition, it unclear whether or not that which follows the claim is positively recited or merely optional.

19. Claim 6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

***Response to Arguments***

20. Applicant's arguments, see the Amendment, filed 08/03/2009, with respect to claims 1-14 in view of the art of record, have been fully considered and are persuasive. The objections/rejections of claims 1-14, with respect to the art of record, have been withdrawn, however, as shown above, new objections/rejections of the claims are put forth above.

***Allowable Subject Matter***

21. It appears, pending an updated search that should Applicant cure all deficiencies outlined herein, that claims 1-14 would be in condition for allowance.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE A. BUGG whose telephone number is (571)272-2998. The examiner can normally be reached on Monday-Thursday 9:00-6:30, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ben Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George A Bugg  
Primary Examiner  
Art Unit 2612

November 21, 2009

/George A Bugg/  
Primary Examiner, Art Unit 2612